



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,584	10/17/2001	Jorn von Seggern	400004=2012	7560

20999 7590 09/05/2003

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

RIDLEY, RICHARD

ART UNIT PAPER NUMBER

3651

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,584

Applicant(s)

SEGGERN, JORN VON

Examiner

Richard Ridley

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 17-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 17 recites the limitation “and pressed together”. This is unclear since the specification does not describe how or by what means the sprockets are pressed together. How, or what structure presses the sprockets together? As written the claim is unclear.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 17-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "the conveyor line". There is insufficient antecedent basis for this limitation in the claim. A plurality of conveyor lines are previously recited.

Claim 17 recites the limitation "and pressed together". This is unclear since no structure is provided which allows for the sprockets to be pressed together. How, or what structure presses the sprockets together? As written the claim is unclear.

Claims 21 recite the limitation "adjusting rollers comprising guide wheels". Are these adjusting rollers additional to the sprockets of claim 17? Or, rather, are the sprockets of claim 17 and the adjusting rollers of claim 21 the same structure. The specification indicates that the adjusting roller 10 is made up of a number of sprocket wheels 22 to 29, see page 6 of the specification. As written claim 21 is unclear since it appears to recite structure already positively recited in claim 17.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

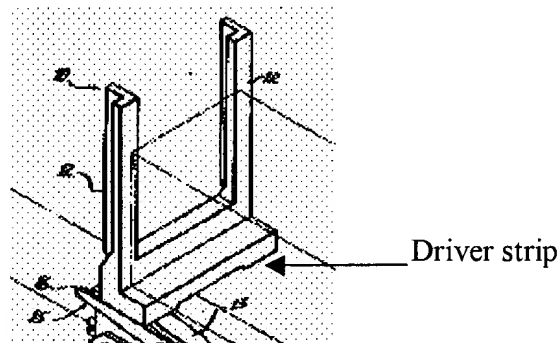
2. Claims 17-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Greenwell et al. (USP 5,337,887).

Greenwell discloses all of the claim limitations in a similar conveyor apparatus for transporting objects shown in fig. 4, the apparatus comprising a plurality of continuously circulating guided conveyor lines (20, 20a) with drivers (10,11) arranged at intervals from each

Art Unit: 3651

other wherein the conveyor line is constructed of continuously circulating individual chains (20) each of which has respective drivers (10, 11) arranged at intervals from each other, the intervals between the drivers of different individual chains may be adjusted (C4/L20-26) simultaneously. Greenwell further discloses that the drivers (10, 11) are held on each conveyor line (20, 20a) so that they can be adjusted in the direction of transport (C4/L23-26) and that the drivers (10, 11) connected to each conveyor line (20, 20a) are located at fixed intervals from each other (C4/L41-63).

Greenwell additionally discloses that each driver has driver strips (fig. 4) that extend across all of the conveyor lines transversely to the direction of transport.



Part of Fig. 4 of Greenwell '887

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3651

4. Claim 21-23, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwell in view of Malhiot.

Greenwell discloses all of the claim limitations, as shown above, but does not disclose each of the conveyors guided over an adjusting roller comprising a guide wheel each attached to said guide wheel being arranged next to other, each said guide wheel being adjustable to different positions relative to another guide wheel.

Malhiot discloses a similar conveyor apparatus for transporting objects comprising a plurality of continuously circulating guide conveyor lines (12, 13). Each conveyor line in Malhiot is provided with a plurality of drivers (25, 26) to contact said objects.

Malhiot teaches guiding the conveyor lines (12, 13) over an adjusting roller (pg. 2, lines 37-38) comprising a guide wheel (16 or 17) each attached to said guide wheel being arranged next to other (guide wheels 16 & 17 are arranged next to each other), each said guide wheel being adjustable to different rotational positions relative to another guide wheel (pg. 2, line 36-40). Malhiot teaches the aforementioned arrangement for the purpose of providing for a means to permit the adjustment of the conveyor pockets (14) to receive different size articles or packages (pg. 2, lines 43-65), as such relative movements of the guide wheels permits adjustment of all conveyor pockets at once.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided conveyors guided over an adjusting roller comprising a guide wheel each attached to said guide wheel being arranged next to other each said guide wheel being adjustable to different rotational positions relative to another guide wheel, as taught by Malhiot, in the conveyor apparatus of Greenwell for the purpose of providing for a means to permit the

Art Unit: 3651

adjustment of the conveyor pockets to receive different size articles or packages, as such relative movement of the guide wheels permits size adjustment of all conveyor pockets at once.

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwell in view of Middleberg et al. (USP 5,806,659).

Greenwell discloses all of the claim limitations, as shown above, but does not disclose the chains (20, 20a) made at least partially of plastic.

Middleberg, in a similar apparatus for transporting objects, teaches the use of a chain (20) made at least partially of plastic (C1/L55-56) for the purpose of providing for a chain made of lightweight plastic material so that the component that drives the chain can also be made of lightweight material, such as plastic, further increasing the speed and control capabilities with no degradation in the life of the mechanism (C1/L55-60) and for the purpose of greatly reducing the total rotational inertia of the drive mechanism (C6/L39-43) when compared to prior art mechanisms (C1/L28-34).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have employed the use of a chains that are made at least partially of plastic, as taught by Middleberg, in the conveying apparatus of Greenwell for the purpose of providing for a chain made of lightweight plastic material so that the component that drives the chain can also be made of lightweight material, such as plastic, further increasing the speed and control capabilities with no degradation in the life of the mechanism and for the purpose of greatly reducing the total rotational inertia of the drive mechanism.

Allowable Subject Matter

1. Claims 25-29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

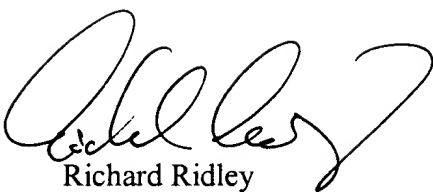
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (703) 306-5910. The examiner can normally be reached on Mon-Thur 7:00 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-1113. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 308-0552 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Application/Control Number: 09/982,584
Art Unit: 3651

Page 8



Richard Ridley
September 2, 2003

Richard Ridley
Examiner
Art Unit 3651